

HOUSE BILL 1020

D4

3lr2846

By: **Delegate McComas**

Introduced and read first time: February 10, 2023

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Custody – Legal Decision Making and Parenting Time**

3 FOR the purpose of repealing references to the terms “child custody” and “visitation” in
4 certain instances and substituting the terms “legal decision making” and “parenting
5 time” in certain instances; authorizing the court, in determining certain
6 legal–decision–making authority and parenting time in certain child custody
7 proceedings, to consider certain factors; authorizing the court to award joint legal
8 decision making to both parents or make other modifications to a custody or
9 visitation order under certain circumstances; prohibiting a parent from unilaterally
10 making certain decisions concerning a child without agreement of the other parent
11 or order of the court under certain circumstances; and generally relating to child
12 custody, visitation, legal decision making, and parenting time.

13 BY repealing

14 Article – Family Law

15 Section 5–203(d) and 9–107

16 Annotated Code of Maryland

17 (2019 Replacement Volume and 2022 Supplement)

18 BY adding to

19 Article – Family Law

20 Section 9–101 and 9–103 to be under the amended subtitle “Subtitle 1. Definitions;

21 General Provisions” and the amended title “Title 9. Custodial Arrangements

22 for Children”; and 9–201 through 9–204 to be under the new subtitle “Subtitle

23 2. Legal Decision Making and Parental Responsibility – Judicial

24 Determinations”

25 Annotated Code of Maryland

26 (2019 Replacement Volume and 2022 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article – Family Law

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 9–101, 9–101.1, 9–101.2, 9–101.3, 9–103, 9–104, 9–105, 9–106, and 9–108
2 Annotated Code of Maryland
3 (2019 Replacement Volume and 2022 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
5 That the Laws of Maryland read as follows:

6 **Article – Family Law**

7 5–203.

8 [(d) (1) If the parents live apart, a court may award custody of a minor child to
9 either parent or joint custody to both parents.

10 (2) Neither parent is presumed to have any right to custody that is superior
11 to the right of the other parent.]

12 Title 9. [Child Custody and Visitation] **CUSTODIAL ARRANGEMENTS FOR CHILDREN.**

13 Subtitle 1. [In General] **DEFINITIONS; GENERAL PROVISIONS.**

14 **9–101.**

15 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
16 INDICATED.

17 (B) “CHILD” MEANS AN INDIVIDUAL UNDER THE AGE OF 18 YEARS.

18 (C) (1) “LEGAL DECISION MAKING” MEANS THE RIGHT AND OBLIGATION
19 TO MAKE MAJOR LONG–TERM DECISIONS INVOLVING MEDICAL CARE, MENTAL
20 HEALTH, EDUCATION, RELIGIOUS TRAINING, EXTRACURRICULAR ACTIVITIES, AND
21 OTHER MATTERS OF MAJOR SIGNIFICANCE CONCERNING A CHILD’S LIFE AND
22 WELFARE.

23 (2) “LEGAL DECISION MAKING” IS ALSO KNOWN AS LEGAL CUSTODY.

24 (D) “PARENT” MEANS A BIOLOGICAL PARENT, AN ADOPTIVE PARENT, OR AN
25 INDIVIDUAL A COURT HAS DEEMED TO BE A DE FACTO PARENT.

26 (E) (1) “PARENTING TIME” MEANS:

27 (I) THE TIME A CHILD IS IN A PARENT’S CARE ACCORDING TO
28 AN AGREEMENT OR A COURT–ORDERED SCHEDULE; AND

29 (II) THE RIGHT AND OBLIGATION OF A PARENT TO PROVIDE A

1 HOME FOR THE CHILD, ADDRESS THE CHILD'S NEEDS, AND MAKE THE DAY-TO-DAY
2 DECISIONS REQUIRED DURING THE TIME THE CHILD IS WITH THAT PARENT.

3 (2) "PARENTING TIME" IS ALSO KNOWN AS PHYSICAL CUSTODY,
4 VISITATION, OR ACCESS.

5 9-103.

6 (A) A COURT MAY AWARD LEGAL DECISION MAKING OR PARENTING TIME TO
7 ONE PARENT OR JOINTLY TO THE PARENTS.

8 (B) NO PARENT IS PRESUMED TO HAVE ANY RIGHT TO LEGAL
9 DECISION MAKING OR PARENTING TIME THAT IS SUPERIOR TO THE RIGHT OF
10 ANOTHER PARENT.

11 [9-101.] 9-104.

12 (a) In any [custody or visitation] LEGAL-DECISION-MAKING OR
13 PARENTING-TIME proceeding, if the court has reasonable grounds to believe that a child
14 has been abused or neglected by a party to the proceeding, the court shall determine
15 whether abuse or neglect is likely to occur if [custody or visitation]
16 LEGAL-DECISION-MAKING OR PARENTING-TIME rights are granted to the party.

17 (b) Unless the court specifically finds that there is no likelihood of further child
18 abuse or neglect by the party, the court shall deny [custody or visitation]
19 LEGAL-DECISION-MAKING OR PARENTING-TIME rights to that party, except that the
20 court may approve a supervised [visitation] PARENTING-TIME arrangement that assures
21 the safety and the physiological, psychological, and emotional well-being of the child.

22 [9-101.1.] 9-105.

23 (a) In this section, "abuse" has the meaning stated in § 4-501 of this article.

24 (b) In a [custody or visitation] LEGAL-DECISION-MAKING OR
25 PARENTING-TIME proceeding, the court shall consider[, when deciding custody or
26 visitation issues,] evidence of abuse by a party against:

27 (1) the other parent of the party's child;

28 (2) the party's spouse; or

29 (3) any child residing within the party's household, including a child other
30 than the child who is the subject of the [custody or visitation] proceeding.

31 (c) If the court finds that a party has committed abuse against the other parent

1 of the party's child, the party's spouse, or any child residing within the party's household,
2 the court shall make arrangements for [custody or visitation] **LEGAL DECISION MAKING**
3 **OR PARENTING TIME** that best protect:

4 (1) the child who is the subject of the proceeding; and

5 (2) the victim of the abuse.

6 **[9-101.2.] 9-106.**

7 (a) Except as provided in subsection (b) of this section, unless good cause for the
8 award of [custody or visitation] **LEGAL DECISION MAKING OR PARENTING TIME** is
9 shown by clear and convincing evidence, a court may not award [custody of a child or
10 visitation with a child] **LEGAL DECISION MAKING OR PARENTING TIME**:

11 (1) to a parent who has been found by a court of this State to be guilty of
12 first degree or second degree murder of the other parent of the child, another child of the
13 parent, or any family member residing in the household of either parent of the child; or

14 (2) to a parent who has been found by a court of any state or of the United
15 States to be guilty of a crime that, if committed in this State, would be first degree murder
16 or second degree murder of the other parent of the child, another child of the parent, or any
17 family member residing in the household of either parent of the child.

18 (b) If it is in the best interest of the child, the court may approve a supervised
19 [visitation] **PARENTING-TIME** arrangement that assures the safety and the physiological,
20 psychological, and emotional well-being of the child.

21 **[9-101.3.] 9-107.**

22 (a) (1) In this section the following words have the meanings indicated.

23 (2) "Child abuse" has the meaning stated in § 5-701 of this article.

24 (3) "Domestic violence" has the meaning stated in § 4-701 of this article.

25 (b) The Maryland Judiciary, in consultation with domestic violence and child
26 abuse organizations, shall develop and update as appropriate a training program for judges
27 and magistrates presiding over child custody cases involving child abuse or domestic
28 violence.

29 (c) The training program described under subsection (b) of this section shall
30 include training on:

31 (1) the typical brain development of infants and children;

1 (2) the impact of adverse childhood experiences, trauma, complex trauma,
2 and chronic toxic stress on a child's brain development and the ways that a child's response
3 to trauma varies;

4 (3) the process for investigating a report of suspected child abuse or child
5 sexual abuse, including:

6 (i) the role of child advocacy centers and forensic interviews;

7 (ii) the role of local departments of social services in investigating
8 reports of suspected child abuse and child sexual abuse; and

9 (iii) that child abuse and child sexual abuse may have occurred even
10 without an indicated finding of abuse, any physical evidence of abuse, or a verbal disclosure
11 of abuse by the child;

12 (4) the dynamics and effects of child sexual abuse, including grooming
13 behaviors and the disclosure of child sexual abuse;

14 (5) the dynamics and effects of physical and emotional child abuse;

15 (6) the dynamics and effects of domestic violence, including coercive
16 control, and that domestic violence can occur without a party seeking or obtaining a
17 protective order or without documented evidence of abuse;

18 (7) the impact of exposure to domestic violence on children and the
19 importance of considering the impact of exposure to domestic violence on children when
20 making child custody and visitation decisions;

21 (8) the potential impacts of explicit and implicit bias on child custody
22 decisions;

23 (9) best practices to ensure that reasonable and feasible protective
24 measures are taken to reduce the risk of traumatizing or retraumatizing a child through
25 the court process, including available methods to obtain relevant information without the
26 necessity of repeated, detailed testimony from the child;

27 (10) available protections for families, including the sealing of records;

28 (11) the benefits and limitations of sexual offender evaluations and risk
29 assessments;

30 (12) the tools courts can use to assess the credibility of a child witness;

31 (13) standards for the knowledge, experience, and qualifications of child
32 sexual abuse evaluators and treatment providers; and

1 (14) any other relevant subject matter.

2 (d) The Maryland Judiciary shall adopt procedures, including the uniform
3 screening of initial pleadings, to identify child custody cases that may involve child abuse
4 or domestic violence as soon as possible to ensure that only judges who have received
5 training under this section are assigned those cases.

6 ~~[9-103.] 9-108.~~

7 (a) A child who is 16 years old or older and who is subject to a custody order or
8 decree **OR A LEGAL-DECISION-MAKING OR PARENTING-TIME ORDER OR DECREE**
9 may file a petition to change custody **OR LEGAL DECISION MAKING OR PARENTING**
10 **TIME.**

11 (b) A petitioner under this section may file the proceeding in the petitioner's own
12 name and need not proceed by guardian or next friend.

13 (c) Notwithstanding any other provision of this article, if a petitioner under this
14 section petitions a court to amend a custody order or decree **OR A**
15 **LEGAL-DECISION-MAKING OR PARENTING-TIME ORDER OR DECREE**, the court:

16 (1) shall hold a hearing; and

17 (2) may amend the order or decree and [place the child in the custody of]
18 **GRANT LEGAL DECISION MAKING OR PARENTING TIME TO** the parent designated by
19 the child.

20 ~~[9-104.] 9-109.~~

21 Unless otherwise ordered by a court, access to medical, dental, and educational
22 records concerning the child may not be denied to a parent [because the parent does not
23 have physical custody of the child].

24 ~~[9-105.] 9-110.~~

25 [In any custody or visitation proceeding, if] **IF** the court determines that a party to
26 a custody or visitation order **OR LEGAL-DECISION-MAKING OR PARENTING-TIME**
27 **ORDER** has unjustifiably denied or interfered with [visitation] **THE RIGHTS** granted by [a
28 custody or visitation] **THE** order, the court may, in addition to any other remedy available
29 to the court and in a manner consistent with the best interests of the child, take any or all
30 of the following actions:

31 (1) order that the [visitation] **PARENTING TIME** be rescheduled;

32 (2) modify the custody or visitation **OR LEGAL-DECISION-MAKING OR**

1 ~~PARENTING–TIME~~ order to require additional terms or conditions designed to ensure
2 future compliance with the order; or

3 (3) assess costs or counsel fees against the party who has unjustifiably
4 denied or interfered with ~~[visitation]~~ ~~PARENTING–TIME~~ rights.

5 ~~[9–106.] 9–111.~~

6 (a) (1) Except as provided in subsection (b) of this section, in any ~~[custody or~~
7 ~~visitation]~~ ~~LEGAL–DECISION–MAKING OR PARENTING–TIME~~ proceeding the court
8 ~~[may]~~ **SHALL** include as a condition of a ~~[custody or visitation]~~
9 ~~LEGAL–DECISION–MAKING OR PARENTING–TIME~~ order a requirement that either party
10 provide advance written notice of at least 90 days to the court, the other party, or both, of
11 the intent to relocate the permanent residence of the party or the child either within or
12 outside the State.

13 (2) The court may prescribe the form and content of the notice requirement.

14 (3) If the court orders that notice be given to the other party, a mailing of
15 the notice by certified mail, return receipt requested, to the last known address of the other
16 party shall be deemed sufficient to comply with the notice requirement.

17 (4) If either party files a petition regarding a proposed relocation within 20
18 days of the written notice of the relocation required by paragraph (1) of this subsection, the
19 court shall set a hearing on the petition on an expedited basis.

20 (b) On a showing that notice would expose the child or ~~[either]~~ A party to abuse
21 as defined in § 4–501 of this article or for any other good cause the court shall waive the
22 notice required by this section.

23 (c) If ~~[either]~~ A party is required to relocate in less than the 90–day period
24 specified in the notice requirement, the court may consider as a defense to any action
25 brought for a violation of the notice requirement that:

26 (1) relocation was necessary due to financial or other extenuating
27 circumstances; and

28 (2) the required notice was given within a reasonable time after learning
29 of the necessity to relocate.

30 (d) The court may consider any violation of the notice requirement as a factor in
31 determining the merits of any subsequent proceeding involving ~~[custody or visitation]~~
32 **LEGAL DECISION MAKING OR PARENTING TIME.**

33 ~~[9–107.]~~

1 (a) (1) In this section the following words have the meanings indicated.

2 (2) (i) “Disability” means:

3 1. a physical or mental impairment that substantially limits
4 one or more of an individual’s major life activities;

5 2. a record of having a physical or mental impairment that
6 substantially limits one or more of an individual’s major life activities; or

7 3. being regarded as having a physical or mental impairment
8 that substantially limits one or more of an individual’s major life activities.

9 (ii) “Disability” shall be construed in accordance with the ADA
10 Amendments Act of 2008, P.L. 110–325.

11 (3) “Supportive parenting services” means services that may assist an
12 individual with a disability in the effective use of techniques and methods to enable the
13 individual to discharge the individual’s responsibilities to a child as successfully as an
14 individual who does not have a disability, including nonvisual techniques for individuals
15 who are blind.

16 (b) (1) In any custody or visitation proceeding, the disability of a party is
17 relevant only to the extent that the court finds, based on evidence in the record, that the
18 disability affects the best interest of the child.

19 (2) The party alleging that the disability of the other party affects the best
20 interest of the child bears the burden of proving that the disability of the other party affects
21 the best interest of the child.

22 (3) If the burden of proof is met, the party who has a disability shall have
23 the opportunity to prove that supportive parenting services would prevent a finding that
24 the disability affects the best interest of the child.

25 (4) If the court finds that the disability of a party affects the best interest
26 of the child and denies or limits custody or visitation, the court shall specifically state in
27 writing:

28 (i) the basis for the finding; and

29 (ii) the reason that the provision of supportive parenting services is
30 not a reasonable accommodation to prevent the finding.]

31 [9–108.] 9–112.

32 (a) In this section:

1 (1) “deployment” means compliance with military orders received by a
2 member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National
3 Guard, or any other Reserve component to report for combat operations or other active
4 service for which the member is required to report unaccompanied by any family member
5 or that is classified by the member’s branch as remote; and

6 (2) “deployment” does not include National Guard or Reserve annual
7 training, inactive duty days, or drill weekends.

8 (b) Any order or modification of an existing child custody or visitation order **OR**
9 **LEGAL–DECISION–MAKING OR PARENTING–TIME ORDER** issued by a court during a
10 term of a deployment of a parent shall specifically reference the deployment of the parent.

11 (c) (1) A parent who petitions the court for an order or modification of an
12 existing child custody or visitation order **OR LEGAL–DECISION–MAKING OR**
13 **PARENTING–TIME ORDER** after returning from a deployment shall specifically reference
14 the date of the end of the deployment in the petition.

15 (2) (i) If the petition under paragraph (1) of this subsection is filed
16 within 30 days after the end of the deployment of the parent, the court shall set a hearing
17 on the petition on an expedited basis.

18 (ii) If the court finds that extenuating circumstances prohibited the
19 filing of the petition within 30 days after the end of the deployment of the parent, the court
20 may set a hearing on the petition on an expedited basis whenever the petition is filed.

21 (d) Any [custody or visitation] **LEGAL–DECISION–MAKING OR**
22 **PARENTING–TIME** order issued based on the deployment of a parent shall require that:

23 (1) the other parent reasonably accommodate the leave schedule of the
24 parent who is subject to the deployment;

25 (2) the other parent facilitate opportunities for telephone and electronic
26 mail contact between the parent who is subject to the deployment and the child during the
27 period of deployment; and

28 (3) the parent who is subject to the deployment provide timely information
29 regarding the parent’s leave schedule to the other parent.

30 **SUBTITLE 2. LEGAL DECISION MAKING AND PARENTAL RESPONSIBILITY –**
31 **JUDICIAL DETERMINATIONS.**

32 **9–201.**

33 **THE PURPOSES OF THIS SUBTITLE ARE TO:**

1 **(1) PROMOTE STABILITY AND LONG-TERM HEALTH AND WELFARE**
2 **FOR CHILDREN BY:**

3 **(I) ENSURING THAT CHILDREN HAVE FREQUENT, REGULAR,**
4 **CONTINUING, AND EXTENDED CONTACT WITH PARENTS WHO HAVE THE ABILITY TO**
5 **ACT IN THE BEST INTEREST OF THEIR CHILDREN;**

6 **(II) CREATING FAMILY AND CASE-SPECIFIC PARENTING-TIME**
7 **SCHEDULES FOR DAY-TO-DAY ACCESS, SHARED HOLIDAYS, VACATIONS, CULTURAL**
8 **OR RELIGIOUS EVENTS, AND PARTICIPATION IN SPECIAL OCCASIONS WITH THE**
9 **EXTENDED FAMILY OF THE PARENTS;**

10 **(III) ENCOURAGING PARENTS TO SHARE IN THE RIGHTS AND**
11 **RESPONSIBILITIES OF RAISING THEIR CHILDREN WHEN THE PARENTS DO NOT**
12 **RESIDE TOGETHER; AND**

13 **(IV) FOSTERING CHILDREN'S RELATIONSHIPS WITH SIBLINGS**
14 **AND WITH SIGNIFICANT ADULTS IN THE CHILDREN'S LIVES;**

15 **(2) PROVIDE CHILDREN WITH PHYSICAL AND EMOTIONAL SECURITY**
16 **AND PROTECTION FROM EXPOSURE TO CONFLICT AND VIOLENCE; AND**

17 **(3) PROVIDE FOR AN EXPEDITIOUS, THOUGHTFUL, AND CONSISTENT**
18 **PROCESS FOR DECISION MAKING BY COURTS TO PROTECT THE BEST INTEREST OF**
19 **CHILDREN.**

20 **9-202.**

21 **(A) SUBJECT TO THE PROVISIONS OF §§ 9-104, 9-105, 9-106, AND 9-107 OF**
22 **THIS TITLE, IN DETERMINING WHAT LEGAL-DECISION-MAKING AUTHORITY AND**
23 **PARENTING TIME IS IN THE BEST INTEREST OF THE CHILD, THE COURT MAY**
24 **CONSIDER THE FOLLOWING FACTORS:**

25 **(1) STABILITY AND THE FORESEEABLE HEALTH AND WELFARE OF THE**
26 **CHILD;**

27 **(2) FREQUENT, REGULAR, AND CONTINUING CONTACT WITH PARENTS**
28 **WHO CAN ACT IN THE CHILD'S BEST INTEREST;**

29 **(3) WHETHER AND HOW PARENTS WHO DO NOT LIVE TOGETHER WILL**
30 **SHARE THE RIGHTS AND RESPONSIBILITIES OF RAISING THE CHILD;**

31 **(4) THE CHILD'S RELATIONSHIP WITH EACH PARENT, ANY SIBLINGS,**
32 **OTHER RELATIVES, AND INDIVIDUALS WHO ARE OR MAY BECOME IMPORTANT IN THE**

1 CHILD'S LIFE;

2 (5) THE CHILD'S PHYSICAL AND EMOTIONAL SECURITY AND
3 PROTECTION FROM CONFLICT AND VIOLENCE;

4 (6) THE CHILD'S DEVELOPMENTAL NEEDS, INCLUDING PHYSICAL
5 SAFETY, EMOTIONAL SECURITY, POSITIVE SELF-IMAGE, INTERPERSONAL SKILLS,
6 AND INTELLECTUAL AND COGNITIVE GROWTH;

7 (7) THE DAY-TO-DAY NEEDS OF THE CHILD, INCLUDING EDUCATION,
8 SOCIALIZATION, CULTURE AND RELIGION, FOOD, SHELTER, CLOTHING, AND
9 MENTAL AND PHYSICAL HEALTH;

10 (8) HOW TO:

11 (I) PLACE THE CHILD'S NEEDS ABOVE THE PARENTS' NEEDS;

12 (II) PROTECT THE CHILD FROM THE NEGATIVE EFFECTS OF ANY
13 CONFLICT BETWEEN THE PARENTS; AND

14 (III) MAINTAIN THE CHILD'S RELATIONSHIP WITH THE PARENTS,
15 SIBLINGS, OTHER RELATIVES, OR OTHER INDIVIDUALS WHO HAVE OR LIKELY MAY
16 HAVE A SIGNIFICANT RELATIONSHIP WITH THE CHILD;

17 (9) THE AGE OF THE CHILD;

18 (10) ANY MILITARY DEPLOYMENT OF A PARENT AND ITS EFFECT, IF
19 ANY, ON THE PARENT-CHILD RELATIONSHIP;

20 (11) ANY PRIOR COURT ORDERS OR AGREEMENTS;

21 (12) EACH PARENT'S ROLE AND TASKS RELATED TO THE CHILD AND
22 HOW, IF AT ALL, THOSE ROLES AND TASKS HAVE CHANGED;

23 (13) THE LOCATION OF EACH PARENT'S HOME AS IT RELATES TO THEIR
24 ABILITY TO COORDINATE PARENTING TIME, SCHOOL, AND ACTIVITIES;

25 (14) THE PARENTS' RELATIONSHIP WITH EACH OTHER, INCLUDING:

26 (I) HOW THEY COMMUNICATE WITH EACH OTHER;

27 (II) WHETHER THEY CAN CO-PARENT WITHOUT DISRUPTING
28 THE CHILD'S SOCIAL AND SCHOOL LIFE; AND

29 (III) HOW THE PARENTS WILL RESOLVE ANY DISPUTES IN THE

1 FUTURE WITHOUT THE NEED FOR COURT INTERVENTION;

2 (15) THE CHILD'S PREFERENCE, IF AGE-APPROPRIATE; AND

3 (16) ANY OTHER FACTOR THAT THE COURT CONSIDERS APPROPRIATE
4 IN DETERMINING HOW TO BEST SERVE THE PHYSICAL, DEVELOPMENTAL, AND
5 EMOTIONAL NEEDS OF THE CHILD.

6 (B) THE COURT SHALL ARTICULATE ITS FINDINGS OF FACT ON THE RECORD
7 OR IN A WRITTEN OPINION, INCLUDING THE CONSIDERATION OF EACH FACTOR
8 LISTED IN SUBSECTION (A) OF THIS SECTION AND ANY OTHER FACTOR THAT THE
9 COURT CONSIDERED.

10 9-203.

11 (A) IF THE COURT DETERMINES THAT THE PARENTS ARE ABLE TO
12 COMMUNICATE AND REACH JOINT DECISIONS CONCERNING SOME OR ALL OF THE
13 CHILD'S NEEDS DESCRIBED IN § 9-202(A) OF THIS SUBTITLE, THE COURT MAY
14 AWARD:

15 (1) JOINT LEGAL DECISION MAKING TO THE PARENTS;

16 (2) JOINT LEGAL DECISION MAKING TO THE PARENTS, DESIGNATING
17 ONE PARENT TO MAKE FINAL DECISIONS IF THE PARENTS ARE UNABLE TO AGREE
18 AFTER A THOROUGH DISCUSSION OF THE ISSUES; OR

19 (3) JOINT LEGAL DECISION MAKING TO THE PARENTS, ALLOCATING
20 RESPONSIBILITY FOR SPECIFIC ISSUES TO EACH PARENT, IF THE PARENTS ARE
21 UNABLE TO AGREE AFTER A THOROUGH DISCUSSION OF THE ISSUES.

22 (B) IF THE COURT AWARDS JOINT LEGAL-DECISION-MAKING AUTHORITY
23 UNDER SUBSECTION (A)(1) OF THIS SECTION, NO PARENT, WITHOUT AGREEMENT OF
24 THE OTHER PARENT OR PARENTS OR ORDER OF THE COURT, MAY UNILATERALLY
25 MAKE MAJOR DECISIONS INVOLVING THE CHILD'S HEALTH, EDUCATION, RELIGION,
26 CULTURE, OR MEDICAL CARE OR ANY OTHER MATTER OF MAJOR SIGNIFICANCE
27 CONCERNING THE CHILD'S LIFE OR WELFARE.

28 9-204.

29 (A) THE COURT MAY MODIFY, IN ACCORDANCE WITH THE PROVISIONS OF
30 THIS SUBTITLE, A CHILD CUSTODY OR VISITATION ORDER OR A
31 LEGAL-DECISION-MAKING OR PARENTING-TIME ORDER IF THE COURT
32 DETERMINES THAT THERE HAS BEEN A MATERIAL CHANGE IN CIRCUMSTANCES
33 SINCE THE ISSUANCE OF THE ORDER THAT RELATES TO THE NEEDS OF THE CHILD

1 OR THE ABILITY OF THE PARENTS TO MEET THOSE NEEDS AND SUCH MODIFICATION
2 IS IN THE BEST INTEREST OF THE CHILD.

3 (B) A PARENT'S PROPOSAL TO RELOCATE THE RESIDENCE OF THE PARENT
4 OR THE CHILD IN A WAY THAT WOULD CAUSE PARENTING TIME TO BE
5 IMPRACTICABLE CONSTITUTES A MATERIAL CHANGE IN CIRCUMSTANCES.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2023.